POLICE

Anti-gay actions up, groups say

State sees overall dip in hate crimes

By **Pam Zubeck**
Gazette Telegraph

Has political wrangling over Amendment 2 helped create "an epidemic" of violent crimes against gays and lesbians in Colorado?

State and national gay rights organizations say it has, but state and local figures indicate reports of an epidemic might be overstated.

The Anti-Violence Project of the Gay, Lesbian and Bisexual Community Services Center in Denver this week reported that hate-motivated crimes based on sexual orientation committed in 1993 increased by 13 percent from those of the prior year.

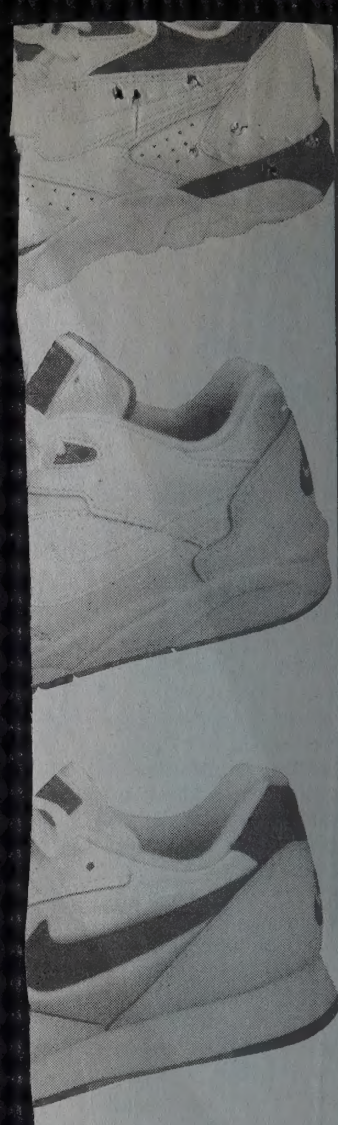
The group said it received 229 reports of crimes against gays and lesbians in Colorado last year, compared with 204 in 1992. Those figures included 36 incidents in El Paso County.

"There has and continues to be a clear trend of violence against gay men, lesbians and bisexuals, and we believe there is a direct correlation between anti-gay initiatives and efforts and the increase of hate violence against (this group)," said Kat Morgan, executive director of the center.

Incidents reported by the group ranged from the beating of a Colorado Springs lesbian by a man who told her to "repent" and "seek God" to a call to the group's Denver office by a man who warned, "It hasn't happened yet, but we know a gay guy at work and may have to beat the s--- out of him."

Still, Colorado's official tally of hate crime reports doesn't support a particular trend. Statewide, reports of crimes motivated by the offender's bias against a victim's race, religion, ethnicity or sexual orientation declined by 37 percent from 1992 to 1993, according to the Colorado Bureau of Investigation.

See CRIME/B6



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From B1

The statewide investigatory agency received reports of 252 hate crimes in 1992, compared with 159 in 1993. The agency figures cover all hate crimes and do not separate crimes against gays and lesbians from those aimed at racial or ethnic minorities. The bureau's figures also showed just 16 hate crimes reported in El Paso County — all of them reported to Colorado Springs police — in 1993, far less than the 36 crimes against gays alone identified by the Anti-Violence Project.

It is true that the number of reported hate crimes based on sexual orientation did increase in Colorado Springs, the birthplace of the constitutional amendment — declared unconstitutional by a Denver district judge in December — which would bar laws that protect gays from discrimination based on their sexual orientation.

In fact, Colorado Springs police reported that crimes targeting gays quadrupled — from two in 1992 to eight last year.

The discrepancy in Anti-Violence Project and state numbers is attributable to police discretion in how they report incidents, Colorado's laws and the atmosphere of intolerance in general, said Gary Rowley, the group's coordinator of education and outreach.

Rowley said gays and lesbians are more likely to report hate crimes to the project than to police.

"We get a lot of people looking for services and not wanting to pursue it (a hate crime) legally. They're seeking counseling," Rowley said.

In addition, "We ensure complete confidentiality. Their names are never released, whereas with a police department, they do become a public record. They feel they're going to be victimized again by the system."

Some police departments also fail to properly categorize crimes against gay men and lesbians, he said.

"They file a robbery as a robbery and disregard that the perpetrator was yelling gay-bashing obscenities the whole time," Rowley said. "We have police departments that choose to believe it was just random."

Colorado Springs Police Lt. Rich Resling said that's not true for his department: "If the circumstances warrant it, we report it," he said. "We encourage anybody to report any crime against them."

Kevin Tebedo, co-founder and executive director of Colorado for Family Values, which authored Amendment 2, disputes the figures from the center, although he isn't surprised by them. He said gays, lesbians and bisexuals often portray themselves as victims to help gain support for their cause.

"They have a lot to gain by increasing their victim status, and they don't prove Amendment 2 is the cause," said Tebedo, who added that police figures are more believable. "Police don't have any motivation for skewing numbers."

Resling attributes the rise in hate crime reports to greater awareness of the law rather than increased violence aimed at minority groups.

Increasing numbers might be more illustrative of the assertiveness of gays and lesbians than an increase in actual incidents, Rowley said.

"Gays and lesbians have decided we need to be heard," he said.

Resling noted that there's no such offense as a hate crime under Colorado law, although police track them for federal crime reporting purposes.

Putting the hate-crime label on an offense has little effect on prosecution other than establishing the criminal's motive, but it can increase the sentence after conviction of the initial crime, Resling said.

But not for hate crimes against gays and lesbians.

Rowley said his organization hopes to change that by lobbying the Colorado Legislature next year to include crimes targeting sexual orientation.

Legislature/Some fear backlash against the biological parents

From B1

tinct from their parents."

But while adoptive parents and children's advocates praise the changes in the law, some fear an unfair backlash against the rights of biological parents. Rickie Solinger, a historian and visiting scholar in women's studies at the University of Colorado at Boulder, fears that particularly young women who have babies out of wedlock will be shafted even more by a system that has exploited them.

"The moral of the Baby Jes-

told Schmidt he was the father. They then began a fight to regain custody which ended in August 1993, when the DeBoers lost their appeal to the U.S. Supreme Court.

But the fight was hardly over. All across America, adoption rights groups sprang into action. Shelley Volkman, an Englewood resident who was herself adopted, volunteered to start a chapter in Colorado. And even though she has never met the Schmidts, she speaks bitterly of them and what they did.

"They changed her name like you would a hamster," said Volkman, who as an adult searched for her own biological mother. "It was very positive, and yet I was better off where I was — and she knew it and I knew it. There's no way she could have kept me."

The incident has prompted Volkman and many others to push for changes in Colorado law — which they say now allows the same thing that happened to Jessica DeBoer.

Under current state statutes, after a child is adopted a birth parent who hasn't legally relinquished their rights, such as Dan Schmidt, could still show up 10 or 15 years later and legally assert his rights as the father. There is no statute of limitations.

If the new laws are passed, birth parents would have only 90 days in which to change their minds. Even if a parent wasn't around to relinquish custody at the time of an adoption, the courts could do it.

That would ease some of the fear that adoptive parents live with, said Liz Ema, the mother of a 19-month-old son. She and her husband have an open adoption with the boy's birth mother — but do not know the identity of the father. Only recently did they learn he could show up at any moment and assert custody.

"I felt very alone when we found this out," Ema said. "Everyone basically told me just to keep my mouth shut, liquidate our assets and keep a bag packed so if our son's father came back into the picture we should just run. That's not the way to live."

An increasing number of lawmakers agree.

"I think a lot of states are looking at their laws and I think they should," said Elizabeth Bartholet, a professor at Harvard Law School and author of "Family Bonds: Adoption and the Politics of Parenting." "What children need is a permanent home as early in life as possible."

GS SPORTS